

LAW OFFICES OF BARRY LEVINSON  
BARRY LEVINSON, ESQ.  
Nevada Bar No.: 006721  
2810 S. Rainbow Blvd.  
Las Vegas, Nevada 89146  
Phone: (702) 836-9696  
Fax: (702) 836-9699  
Attorneys for Debtor(s)

E-FILED: 05/6/2009

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

In Bankruptcy  
BKS-07-11730-LBR  
Chapter 13

IRENE MICHELLE SCHWARTZ-  
TALLARD,

**MOTION TO REINSTATE AUTOMATIC STAY**

Date: TBD  
Time: TBD  
Courtroom: 1

Debtor(s).

IRENE MICHELLE SCHWARTZ-TALLARD, through her attorney Barry Levinson of  
The Law Offices of Barry Levinson, and as owner of 17 Caprington Rd., Henderson Nevada  
89052 described herein respectfully represents as follows:

1. This court has jurisdiction over the subject matter of this Motion pursuant to the provisions of 28 United States Code §§ 157, 1334 and 11 United States Code § 362.
2. On or about March 30, 2007, IRENE MICHELLE SCHWARTZ-TALLARD ("Debtor") filed a voluntary petition under Chapter 13 of the Bankruptcy Code. Rick A. Yarnall is the appointed Chapter 13 Trustee.
3. On or about March 25, 2009, Debtor, IRENE MICHELLE SCHWARTZ-TALLARD had a Motion for Relief from Automatic Stay filed against the property located at 17 Caprington Rd., Henderson, NV 89052.
4. The Attorney of record at the time, Frank Sorrentino, Esq., never informed the Debtor of the motion nor was Debtor ever notified of the circumstances.

- 1       5. The motion lifting the Automatic Stay was granted 4/6/2009
- 2       6. The Debtor is not in default of her obligations under the Note for failure to make payments
- 3           Pursuant to 11 United States Code § 1322, and the Debtor's Chapter 13 Plan, the Debtors
- 4           have paid all post petition payments to the Creditor Soma Financial through the servicing
- 5           company, American Servicing Company "ASC" (Attached as Exhibit A). Debtor mailed
- 6           her April 2009 payment to ASC in the same fashion, however, her payment was returned
- 7           requesting certified funds which was never a requirement prior to the return of the April
- 8           payment (Attached as Exhibit B). Debtor is able and ready to make payments for April
- 9           and May 2009.
- 10
- 11       7. If the Automatic Stay on Debtor's Real Property is not reinstated prior to May 20, 2009 a
- 12           foreclosure sale will take place at 10:00 a.m. on that date and debtor will lose her home by
- 13           the foreclosure of her Real Property. Debtor will suffer irreparable injury, loss and
- 14           damage, especially when the lender has accepted all payment up until the stay was lifted.
- 15

16   **WHEREFORE**, Debtor respectfully prays for an Order of this court as follows:

- 17       1. Reinstatement of the Automatic stay of 11 United States Code § 362.
- 18       2. That the 10-day stay described by Bankruptcy Rule 4001(a)(3) be waived;
- 19       3. That the attorneys' fees and costs incurred by Debtor for filing the instant Motion be
- 20           included for Lender filing a frivolous motion to lift stay and sanctions be awarded under
- 21           362(h);
- 22       4. That the requirement of Local Rule 9021 be waived; and
- 23       5. For such other and further relief as the Court deems just and proper.
- 24

25   Dated: May 6, 2009

26                   THE LAW OFFICES OF BARRY LEVINSON

27                   /S/ BARRY LEVINSON

28                   BARRY LEVINSON

                    Attorney for Debtor(s)